# Body Worn Camera Standard Operating Procedure

## 201.1 RESPONSIBILITIES

### SYSTEM ADMINISTRATOR

The System Administrator is designated by the Chief of Police and has oversight to include, but not limited to, the following:

a) Operation and user administration of the system

b) System evaluation

c) Training

d) Policy and procedure review and evaluation

e) Coordination with IT regarding system related issues

f) Ensure BWC files of evidentiary value are secure and maintained for a minimum of 2 years. Ensure all other routine files are secure and maintained a minimum of 1 year.

g) Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and City of San Mateo/San Mateo Police Department retention policy

### AUDIT RESPONSIBILITIES

The system administrator will ensure that periodic audits are conducted of the AXON camera system to review whether it is operating properly and the cameras are being utilized in accordance with this procedure. These audits should ideally be conducted on a quarterly basis, and they should focus on the following topics:

- Number of AXON Evidence.com uploads for the Department
- Number of AXON Evidence.com upload without an ID or Category
- Number of property items listed on a police report, but not uploaded into AXON Evidence.com (Items Not Received List)
- Any other topic of interest

The results of these audits should be shared with the entire Command Staff as needed, and no less than two times every year.

Minor infractions captured during the use of AXON cameras and related equipment should be viewed as training opportunities rather than a means to take disciplinary action.

The system administrator shall not review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.

### SUPERVISORY

Supervisors will ensure officers utilize the BWC according to policy.

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Supervisors may review recordings for training and evidentiary purposes only as described in the Body Worn Cameras Policy. Evidentiary purposes includes review in furtherance of investigating an existing complaint/allegation of misconduct against an employee or in furtherance of assisting in a criminal prosecution. Any supervisor's review of recordings for enumerated purpose shall be reasonably limited in scope to such purpose.

Supervisors may address minor issues observed during review of recordings, for training purposes. If in the course and scope of review, the supervisor observes criminal conduct, the observation shall be immediately forwarded through chain-of-command.

For critical or major incidents, supervisors shall ensure BWC footages are docked and properly tagged in Evidence.com.

Supervisors may have the ability to immediately resolve citizen complaints by viewing video captured by the BWC. Supervisors shall notify all involved employees of the complaint and review of the video.

Supervisors completing a review of an incident involving the use of force where video is captured shall ensure the video is properly identified.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance. Supervisors should document the reason why the recording was reviewed in the "Notes" section of Evidence.com when it is viewed.

Supervisors shall provide a replacement body worn camera if the employee's body worn camera is not functioning properly. Supervisors will be responsible for reassigning the BWC device through the appropriate platform (ie: Axon Device Manager). Spare devices are maintained in Field Operations. For all other issues with cameras or related hardware, employees should consult the System Administrator.

## EMPLOYEES UTILIZING THE BWC

Employee, for the purpose of this procedure, will refer to all uniformed personnel who are likely to become engaged in activities outlined in the Guidelines for Activation section of the Body Worn Cameras Policy. Employees utilizing the BWC shall be responsible for the following:

a) Ensuring the battery on the Axon BWC is fully charged daily and operating properly

b) Immediately reporting unresolved equipment malfunctions/problems to their supervisor

c) Monitoring system effectiveness and making recommendations for operational improvement and policy revision

d) BWC are docked at the end of their shift. Employees shall not remove the camera and related equipment from the docking station until the video files are completely uploaded and battery is fully charged, unless an exigent circumstance exists.

e) Ensuring an ID number and Category is assigned to each video footage in AXON Evidence.com.

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**DOCUMENTATION OF RECORDINGS**

Document the use of the BWC in all contacts resulting in a Police Report, Citation, or a Field Identification (FI). The employee should mark the "Recorded" box at the bottom of a police report. In all contacts not resulting in a Police Report, Citation, or Field Identification, employees should document the use of their BWC in CAD notes.

Employees should continue to prepare reports in the same manner as prior to the implementation of this camera system. Employees should not substitute "refer to video" for a detailed and thorough report. Employees should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as, "In summary the victim related..."

Once video is captured and uploaded, the BWC system may automatically label incident number, case number (if associated) and category during the sync periods throughout the day. If the employee is not attached to the incident in RIMS, then the automated information will not be added. The employee shall confirm the BWC system labeled the incident number, case number, category and enter this data manually if the system does not perform it.

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When a case is taken, the case number should be noted in the ID Field, the correct format is, YYMMDD###, for example 170101001. If no case is taken, the incident number should be noted in the ID Field, the correct format is YYMMDD####, for example 1701010001.

Any additional pertinent information may be documented in the **Notes Field**.

d) The BWC system may assign "Call For Service" as a default category to all incidents. Employees are responsible for assigning the most appropriate categories to each video. Users can add multiple categories. Please note it is imperative to attach the appropriate category for retention schedules. Select the appropriate category below for every video/photo:

Category Field

1.Missing Persons

2. 293PC- Confidential Victim

3. Accidental Recording / No Evidence

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4. Call For Service
5. Call For Service / No Evidence
6. Felony
7. Field Contact/Field interview
8. Juvenile
9. Major / Critical Incident
10. Misdemeanor
11. NCR SWAT
12. Pending Review
13. Probation/Parole Search
14. Restricted ADMIN USE ONLY
15. Traffic – Collision/Injury
16. Traffic- Collision/Fatal
17. Traffic- Enforcement/Cite
18. Training

e) Employees are encouraged to **Tag** video/photos. The **Tag Field** is a free form:

- Location of incident (S. Norfolk Street/Kehoe Avenue)
- Moniker
- Type of incident (1066, 11-54, etc.)
- Special circumstances

The information shall be entered via department issued handheld device, MDT, or SMPD computer work station via the evidence.com website.

**WHEN AN INCIDENT OR CALL FOR SERVICE RESULTS IN A REPORT**

Primary officers/employees will dock their BWC, create a property/evidence item in RIMS, and reference their BWC video in their narrative.

Cover Officers/employees who participate in the investigation, more than just providing cover, will also dock their BWC, create a property/evidence item in RIMS, and author a supplemental report documenting their actions and referencing their BWC videos.

Cover Officers/employees who are present during the investigation, but only to provide cover, are still required to dock their BWC and create a property/evidence item in RIMS regardless of whether a supplemental report is written.

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If an employee has multiple BWC videos for the same incident/call for service, the employee should log all of their BWC videos under a single RIMS property/evidence item.

### 201.2 REVIEW OF BWC FILES

Reviewing a BWC file requires documenting the specific reason for access on the video file page in the "NOTES" field prior to viewing.

Although the data captured by the BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this procedure may review video according to the provisions of this procedure and the Body Worn Cameras Policy.

Once docked to the server, trained personnel may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto Evidence.com and documenting the reason for access in the "NOTES" section prior to viewing any data. Evidence.com automatically time/date stamps and records each access by officer name.

Officers/employees are encouraged to review video prior to testimony per the Subpoenas and Court Appearances Policy, as well as prior to an interview related to an administrative investigation (except for critical incidents as described in Body Worn Cameras Policy or if directed differently by the Department).

### CRITICAL INCIDENT REVIEW

If an Officer Involved Critical Incident (OICI), as defined in Body Worn Cameras Policy and Penal Code section 830, occurs, personnel are encouraged to consult legal representation and may review their Audio/video recording after providing a statement pursuant to an administrative inquiry with the opportunity to provide a supplemental statement as provided in the Body Worn Cameras Policy.

Following a critical incident, such as an officer involved shooting, involved personnel shall not view their video on any device or computer prior to the BWC being dockedand uploaded into Evidence.com.

When safe and practical, an on scene supervisor shall retrieve the Axon camera from the involved personnel at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded into evidence.com.

Following a critical incident, a video may only be viewed prior to being uploaded in Evidence.com:

a) When exigent circumstances occur, such as an employee being injured and to obtain identifying suspect information or other pertinent information from the video that may be time sensitive.

b) To allow investigators to view the video in order to assist in investigation.

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c) Video may be restricted for viewing only by personnel designated by the Chief of Police.

Evidence.com shall only be accessed from Department authorized mobile devices and computers, such as Department workstations or MDT's. Access to Evidence.com from a home computer or non-departmental mobile device is not authorized

Exception: Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

### 201.3 COPYING PROCEDURES

A copy of the BWC file can only be made by the Evidence Analyst, the Court Officer, the primary officer or an evidence.com administrator in accordance with the provisions of this procedure.

In the absence of the Evidence Analyst, Court Officer, the primary officer or an evidence.com administrator may make the requested copy and a second copy that shall be booked into evidence.

Other than as provided in this procedure, no member of this Department shall download, copy, or record any video from evidence.com onto any computer, device, drive, CD, DVD or any other format without the express consent of the Chief of Police or designee.

### 201.4 CRIMINAL OR INTERNAL INVESTIGATIONS

Investigators conducting criminal or administrative investigations may, as deemed necessary by the department:

(a) Advise the System Administrator to restrict access/public disclosure of the BWC file in criminal or internal investigations, when necessary.

(b) Document the reason for access by entering the related file number on the BWC "NOTES" field prior to viewing, unless exempted by the Chief of Police or designee.

(c) Review the file to determine whether the BWC file is of evidentiary value and process in accordance with established procedures.

(d) Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.

### 201.5 TRAINING TOOL

A BWC file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWC file for such purpose may come from any source.

A person recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to the System Administrator. The System Administrator shall contact the involved employees prior to utilizing any video for training purposes.

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If an involved employee objects to the showing of a recording, his/her objection will be submitted to the System Administrator to determine if the employee's objection outweighs the training value.

The System Administrator shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. Policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).

### 201.6 CATEGORY AND RETENTION PERIODS

Personnel utilizing the BWC shall identify each video by category. Categories and Retention Periods:

(a) Uncategorized - retained indefinitely until a category is manually added.

(b) All other recordings will follow the retention schedule adopted by the City Council or applicable by law.

The retention period may be extended if the audio/video recording is known to have evidentiary value.

Restricted Video Evidence:

Video evidence that may be sensitive in nature can be restricted to access only by those designated by the Chief of Police. To restrict a video evidence, add the category of "Restricted Evidence" to the video footage.

This will remove the video from any search or view feature from evidence.com for all users other than those designated by the Chief of Police.

### 201.7 REPAIR PROCEDURE

Personnel shall immediately report any recognized problems with the BWC to their immediate supervisor. The supervisor will provide a replacement device as soon as practicable. The supervisor shall notify the Evidence Analyst, or designee, of the problem or malfunction via email.. The Evidence Analyst or designee will report unresolved deficiencies to AXON.

### 201.8 SCHOOL RESOURCE OFFICER (SRO) RESPONSIBILITIES

Uniformed Personnel assigned as a School Resource Officer (SRO) should follow the Body Worn CamerasPolicy. The SRO should categorize each video involving juveniles with the Category Field - JUVENILE.

### 201.9 DETECTIVE RESPONSIBILITIES

Personnel assigned to Investigations will wear a BWC during field contacts where enforcement activity is anticipated, during the issuance of an arrest warrant or execution of a search warrant. Use of a body worn camera to record field investigative activity outside an anticipated

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enforcement contact will be left to the discretion of the individual detective. Detectives using a BWC should place the camera in a location on his/her outer clothing.

### 201.10 UNDERCOVER OFFICER RESPONSIBILITIES

Personnel working as an undercover officer or in any type of covert operation will wear a BWC at the discretion of the unit supervisor.

### 201.11 INTER-AGENCY ASSIGNMENT OFFICER

Personnel assigned to any inter-agency assignment will wear a BWC at the discretion of the Commander in charge.

### 201.12 PRIVACY CONCERNS AND ADVISEMENTS

Private citizens do not have a reasonable expectation of privacy when talking with police officers or any person acting pursuant to the direction of the Chief of Police during the scope of an employee's official duties, even when the contact is in a private residence. When employees are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, employees are not required to give notice they are recording. Employees are encouraged to give notice when feasible, as outlined in the Body Worn Cameras Policy.

### 201.13 TRAINING

To ensure optimal use and performance of our BWC system, the Department will provide updated training to our employees every two years.

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